

Message Text

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DRAFTED BY: L/M:CLBLAKESLEY

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FM SECSTATE WASHDC

TO AMEMBASSY PARIS

UNCLAS STATE 241081

FOLLOWING REPEAT MARTINIQUE 371 SENT SECSTATE COMGANS SAN JUAN
INFO PANAMA DATED OCT 31.

QUOTE

UNCLAS MARTINIQUE 0371

E.O. 11652: N/A

TAGS: CGEN (VESSEL FLYING CLOUD)

REF: MARTINIQUE'S 0367 AND PREVIOUS

1. AN EXAMINING MAGISTRATE OF TRIBUNAL DE GRANDE INSTANCE
PRESENTED CONSULATE OCT 31 FOLLOWING LETTER DTD OCT 31, 1974,
CONCERNING THE ALLEGED THEFT HERE OF THE SAILING VESSEL FLYING
CLOUD OVER WEEKEND OCTOBER 26-27. CONSUL AGREED TO TRANSMIT THE
TEXT WITHOUT COMMENT ABOUT ANY ACTION US AUTHORITIES MIGHT TAKE
IN MATTER, POINTING OUT THAT FLYING CLOUD IS UNDER FOREIGN
REGISTRY AND AS MUCH NOT MATTER OF CONCERN TO USG. IN COURSE
OF CONVERSATION, EXAMINING MAGISTRATE (CHAIX) NOTED THAT THE FLYING
CLOUD CASE IS A COMPLICATED LEGAL PROBLEM AND HE IS NOT CERTAIN
WHAT FURTHER STEPS, IF ANY, FRENCH AUTHORITIES MIGHT TAKE
AGAINST US CIT FERTIG OR TOWARDS RECOVERY OF VESSEL.

2. BEGIN TEXT (INFORMAL TRANSLATION) QUOTE FOLLOWING OUR
TELEPHONE CONVERSATION THIS AFTERNOON I HAVE THE HONOR TO
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INFORM YOU THAT I HAVE BEFORE ME A LEGAL PROCESS AGAINST ONE

ARTHUR FERTIG, BORN 27 DECEMBER, 1921, TRAVEL AGENT,
DOMICILED AT 300 PARK AVENUE, NEW YORK CITY, FOR MISAPPROPRIATION
OF A SHIP, A CONSEQUENCE OF THE DISAPPEARANCE OF THE
SAILING VESSEL FLYING CLOUD, WHICH WAS THE SUBJECT OF A JUDGMENT OF
THE TRIBUNAL OF GRANDE INSTANCE OF FORT DE FRANCE, ON MARCH 18,74.
MR FERTIG HAD BEEN NAMED THE LEGAL GUARDIAN OF THE SHIP AND
HE SUCCEEDED IN DEPARTING FROM FORT DE FRANCE SUNDAY 27 OCTOBER 74

3. RECENTLY WE OBTAINED INFORMATION THAT THE
PANAMANIAN REGISTERED IS NOW IN THE PORT FREDERIKSTAD, ST CROIX, IN
AMERICAN TERRITORY.

4. I HAVE THE HONOR TO INFORM YOU THAT MISAPPROPRIATION
OF A VESSEL BY A CAPTAIN IS PUNISHABLE UNDER ARTICLE 47 OF THE
LAW OF THE 17 DECEMBER 1926 WHICH SETS FORTH DISCIPLINARY
REGULATIONS AND PENAL REGULATIONS OF THE FRENCH MERCHANT
MARINE AND THAT THIS ARTICLE CALLS FOR CRIMINAL PENALTIES OF
5 TO 6 YEARS INCARCERATION.

5. IF FRENCH JUDICIARY AUTHORITIES CANNOT OBTAIN THE
TRANSFER OF FERTIG, HE WILL BE JUDGED FOR WILLFULL COMTEMPT OF
COURT(LA PROCEDURE DE CONTUMACE) UNDER ARTICLES 627, ETC.
OF THE CODE OF PENAL PROCEDURES.

6. I HAVE THE HONOR BY THIS LETTER TO REQUEST YOU TO CONTACT
JUDICIARY AUTHORITIES OF ST CROIX OR OF THE UNITED STATES SO THAT
AN INJUNCTION AGAINST USE (SAISIE CONSERVATOIRE) BE IMMEDIATELY
TAKEN WITH RESPECT TO THE FLYING CLOUD. IT WOULD BE EQUALLY
DESIRABLE THAT FERTIG BE OFFICIALLY ADVISED OF THE PROCEDURES
UNDERTAKEN AGAINST HIM BY FRENCH LEGAL AUTHORITIES IN MARTINIQUE.
END UNQUOTE.

7. CONGRESSMAN MURPHY INTERESTED.
SHACKLETON UNQUOTE INGERSOLL

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